

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-

DELEGATES AUTHORITY TO THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR OF WATER QUALITY, OR THE DEPUTY DIRECTOR OF THE DIVISION OF ADMINISTRATIVE SERVICES TO EXECUTE CERTAIN CONTRACTS AND AMENDMENTS FOR WORK AT LEVIATHAN MINE

WHEREAS:

1. The Division of Administrative Services administers routine service contracts and interagency agreements with both public and private entities in support of the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (Regional Water Boards). The contracts are for non-controversial activities, involve the transaction of routine State business, and do not involve significant policy decisions that would require the consideration of the State Water Board during publicly held Board meetings,
2. In [Resolution No. 2015-0022](#), the State Water Board delegated authority for such non-controversial contract approvals to State Water Board Executive staff. This resolution limited such authority to execute contracts and amendments to contracts of no more than \$750,000.00 in value and no more than three years in length,
3. There is an ongoing need at Leviathan Mine for ensuring continuity for long-term monitoring programs, conducting technical evaluations on infrastructure, long-term operations and maintenance requirements, and remediation work necessary to stay in compliance with the United States Environmental Protection Agency's Orders and additional requirements. The State Water Board and Regional Water Board are seeking to streamline contract, interagency agreement, and amendment processing for work at Leviathan Mine. Increasing the delegated authority amount for State Water Board and Regional Water Board Executive staff to approve contracts and amendments to no greater than \$1,000,000.00 per fiscal year and for a contract term of up to five years in length will assist Executive Staff and the Division of Administrative Services in streamlining contract processing; and
4. The Division of Administrative Services ensures that the State Water Board conducts its contracting activities in compliance with State contracting laws, regulations, policies, and procedures.

DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Resources Control Board hereby authorizes the Executive Director, Chief Deputy Director of Water Quality, or the Deputy Director of the Division of Administration Services to execute, for and on behalf of the State Water Board and Regional Water Boards, contracts, interagency agreements, and amendments described herein and to perform all acts and to do all things necessary and convenient to implement such contracts, interagency agreements, and amendments. This delegation shall be limited to the following actions:

1. Execution of contracts, interagency agreements, and amendments that do not exceed the Leviathan Mine program's dedicated baseline allocations and spending authorities and can be no greater than \$1,000,000.00 per fiscal year. Each contract shall be executed for up to five years provided that contract funds encumbered are expended in accordance with Government Code Section 16304;
2. Notwithstanding the foregoing, all contracts with state officers or employees or appointed state officials, or with former state officers or employees or appointed state officials, shall comply with the provisions of Public Contract Code Section 10410 et seq., and except for any contract requiring a person's services as an expert witness in a civil case, shall require approval of the State Water Board at a public Board Meeting;
3. Except as otherwise specifically provided by the State Water Board, the Executive Director, or the Executive Director's designee shall be the duly authorized representative of the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any contracts to which the State Water Board is a party;
4. The Deputy Director of the Division of Administrative Services may redelegate his/her responsibilities herein as appropriate to managerial staff within the Division of Administrative Services;
5. This resolution will supersede Resolution No. 2015-0022 for any contract, interagency agreement, or amendment pertaining to Leviathan Mine except for any contract or contract amendment for legal services; and

D R A F T

6. That this authorization shall remain in full force and effect until modified or revoked by the State Water Board.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 21, 2020.

Jeanine Townsend
Clerk to the Board